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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,937	07/09/2001	Reiner Doerfler	449122006000	1498

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EXAMINER

GREGORY, BERNARR E

ART UNIT PAPER NUMBER

3662

DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/869,937

Applicant(s)

DOERFLER, REINER

Examiner

Bernarr E. Gregory

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (U.S. Patent 4,319,242).

Figure 1 of Lewis (U.S. Patent 4,319,242) shows a two-antenna embodiment, but there are embodiments in Lewis (U.S. Patent 4,319,242) with more than two antennae. Please note that Figure 3 of Lewis (U.S. Patent 4,319,242) shows that four antennae may be used. Also, please note in the preamble of claim 1 of Lewis (U.S. Patent 4,319,242) that the claim is directed to a "plurality of weapon control radars," which would include three or more as claimed in claim 1 of the instant application. With respect to the "activating" step of claim 1, please note that the step may be read to mean that all of the radars are powered up at the same time, not necessarily that they are transmitting at the same time. With respect to the "evaluating" step of claim 1, please note that Lewis (U.S. Patent 4,319,242) uses monopulse radars. Please note column 2, lines 56-65 for discussion of the use of monopulse in Lewis (U.S. Patent 4,319,242). With respect to the further limitations of dependent claim 2, please note that adjacent pairs transmitters and receivers in Lewis (U.S. Patent 4,319,242) meet the further limitations of dependent claim 2 at least in that they all of the transmitters and receivers of Lewis (U.S. Patent 4,319,242) are

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powered up simultaneously. The further limitations of dependent claim 5 appear fully met by the Lewis (U.S. Patent 4,319,242) use of combined monopulse radars.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 4, and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, "the currently deactivated transmitting and receiving devices" lacks antecedent basis.

In claim 3, "the at least **two** transmitting and receiving devices" lacks antecedent basis in that it can not take "at least **three** transmitting and receiving devices" in claim 1 as antecedent.

In claim 4, "the echo signals" lacks antecedent basis.

In claim 5, "the at least **two** transmitting and receiving devices" lacks antecedent basis in that it can not take "at least **three** transmitting and receiving devices" in claim 1 as antecedent.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr Gregory whose telephone number is (703) 306-5765. The examiner is in his office from 7:30 AM until 4:00 PM from Monday until Friday.

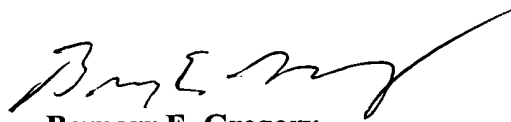
FAX transmissions may be submitted to (703) 872-9326. The FAX operator is Ms. Elleni Negussie, who may be contacted at (703) 308-6538 for confirmations and other FAX questions.

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Status inquiries and other questions of a general nature may be made to Technology  
Center 3600 Reception at (703) 308-1113.

A handwritten signature in black ink, appearing to read "Bernarr E. Gregory", with a long, sweeping horizontal stroke extending to the right.

**Bernarr E. Gregory**  
**Primary Examiner**  
**Art Unit 3662**